

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
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FEB 19 2013

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DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

DAVIN RYAN HANKS

CIVIL ACTION NO. 6:11-cv-1393

VS.

SECTION P

JUDGE HAIK

FREDDIE LAQUE, ET AL.

MAGISTRATE JUDGE HILL

**PARTIAL JUDGMENT**

This matter was referred to United States Magistrate Judge C. Michael Hill for Report and Recommendation. No objections have been filed. The Court concludes that the Report and Recommendation of the magistrate judge is correct and therefore adopts the conclusions set forth therein. Accordingly;

**IT IS ORDERED** that plaintiff's civil rights claims against defendants Sergeant Jonathan Lavoi, Sergeant Michael Comeaux and Lieutenant Freddie are **DISMISSED WITH PREJUDICE** for failure to state a claim on which relief may be granted in accordance with of 28 U.S.C. § 1915(e)(2)(B)(ii). Plaintiff's claim against Deputy McCloskey shall remain pending for further proceedings.

**THUS DONE AND SIGNED**, in chambers, in Lafayette, Louisiana, on this 15<sup>th</sup> day of February, 2013.

*Richard T. Haik Jr.*  
RICHARD T. HAIK, SR.  
UNITED STATES DISTRICT JUDGE